

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD ARTHUR KIRKHAM,

Plaintiff,

v.

WHATCOM COUNTY et al.,

Defendants.

CASE NO. 2:25-cv-00208-DGE-

DWC

ORDER ADOPTING REPORT AND  
RECOMMENDATION ON  
DEFENDANTS' MOTION TO  
DISMISS (DKT. NO. 42)

The Court, having reviewed de novo the Report and Recommendation ("R&R") of Magistrate Judge David W. Christel and the remaining record, and there being no objections, does hereby find and ORDER:

1. The R&R (Dkt. No. 42) is ADOPTED.
2. County Defendants' Motion to Dismiss (Dkt. 27) is denied. Additionally, County Defendants' qualified immunity defense is denied without prejudice and with the ability to re-raise the defense at a later stage.

1 3. The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants,  
2 and to the Hon. David W. Christel.

3 Dated this 29th day of September, 2025.

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David G. Estudillo  
United States District Judge